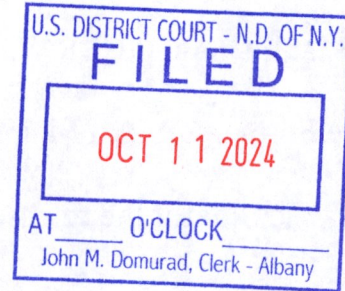


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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

IN THE MATTER OF THE
ADMINISTRATIVE ACCESS TO:

FORMER CP RAIL MAINTENANCE
YARD SUPERFUND SITE

Located near:
215 Broadway
Whitehall, New York

EX PARTE APPLICATION
FOR ADMINISTRATIVE
WARRANT Under Section
104(e) of CERCLA

No.

**UNITED STATES' *EX PARTE* APPLICATION FOR AN
ADMINISTRATIVE WARRANT UNDER CERCLA SECTION 104(e)**

The United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), applies *ex parte* for an administrative warrant under Section 104(e) of the Comprehensive Environmental Response, Compensation,

and Liability Act (“CERCLA”), 42 U.S.C. § 9604(e), to enter a parcel that is part of the Former CP Rail Maintenance Yard Superfund Site (“Site”) so that EPA can assess the Site for the release or threatened release of hazardous substances and remove the hazardous substances already identified at the Site by EPA.

Specifically, the United States seeks the warrant so that EPA and its designated representatives may enter the parcel identified as Section 60.9, Block 2, Lot 8.6 (“Property”) for a short term (9 months) to determine the need for a response action, choose a response action, implement the response action and/or otherwise enforce the provisions of CERCLA related to the release or threatened release of hazardous substances. EPA has concluded that EPA staff, including the On-Site Coordinator, and prospective contractors will need access to the Property promptly to begin the assessment and so that EPA will be able to timely implement the Site response action that EPA selected pursuant to Section 121 of CERCLA, 42 U.S.C. § 9621, to protect human health and the environment from the dangers of hazardous substances that have been and may be released at the Site.

The grounds for this Application are set forth in full in the accompanying Memorandum in Support of the *Ex Parte* Application for Administrative Warrant Under CERCLA Section 104(e), together with the Declaration of EPA Region 2 Superfund and Emergency Management Division’s Response Section Supervisor Shawna K. Hoppe.

A proposed Administrative Warrant is also submitted for the Court's convenience.

WHEREFORE, the United States requests that this Court grant the United States' Application and approve the proposed Warrant for EPA to enter the Site Parcel for a period of 9 months.

Dated: October 11, 2024

Respectfully submitted,
TODD KIM
Assistant Attorney General
Environment and Natural Resources
Division
United States Department of Justice

/s/Roberta R. James
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